

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BRUCE A. LEWIS,

Civil No. 06-2077 (PJS/JJG)

Plaintiff,

v.

REPORT AND RECOMMENDATION

HALLMARK CARDS, INC.,

Defendant.

Plaintiff commenced this action on May 19, 2006, by filing a self-styled complaint, and an application seeking leave to proceed in forma pauperis ("IFP"). (Docket Nos. 1 and 2.) The Court previously examined Plaintiff's submissions and determined that his complaint failed to state an actionable claim for relief. The Court therefore entered an order, dated May 25, 2006, (Docket No. 3), which informed Plaintiff that his IFP Application would not be granted "at this time." The order granted Plaintiff leave to file an amended complaint, and expressly advised him that if he did not file a new pleading by June 15, 2006, the Court would recommend that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

On or about June 14, 2006, Plaintiff contacted the Court regarding this matter, and he was then reapprised that he would have to file an amended complaint. On June 22, 2006, the Court entered a second order in this matter, (Docket No. 4), which effectively extended the deadline by which Plaintiff was required to file an amended complaint. That order expressly advised Plaintiff that this action would be subject to summary dismissal, unless he filed either (a) an amended complaint, or (b) a written request for a further extension of the deadline for filing an amended complaint, by no later than July 6, 2006.

The extended deadline for complying with the Court's prior order of May 25, 2006, has now passed, and Plaintiff still has not filed an amended complaint. Therefore, it is now recommended, in accordance with the Court's two prior orders in this matter, that Plaintiff be deemed to have abandoned this action, and that the action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). See Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (recognizing that a federal court has the inherent authority to "manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases").

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

1. Plaintiff's Application To Proceed In Forma Pauperis, (Docket No. 2), be **DENIED**;

and

2. This action be **DISMISSED WITHOUT PREJUDICE**.

Dated: July 18, 2006

s/Jeanne J. Graham

JEANNE J. GRAHAM
United States Magistrate Judge

Pursuant to D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by August 4, 2006. A party may respond to the objections within ten days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. A District Judge shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit.